

FISCAL YEAR 2000 REVIEW

The Michigan Department of Civil Rights recently drafted the annual report for the 2000 fiscal year. A sampling of the Department's successes for the year include:

- ◆ The roll-out of MDCR's new Contact Management System is complete. This database automates MDCR's problem resolution process. It is an application which captures all services the Department provides to its customers, and provides the ability to enter, update, revise, track, report and manage all customer contact information for the complaint issue, information, FOIA, referral, and outreach and education services provided by the Department.
- ◆ This past year, more than 3,664 concerns were successfully resolved during early resolution. When early resolution is not successful, a formal complaint is taken if appropriate.
- ◆ The Department has an emerging role as a national leader among state civil rights departments. Recently, members of the

Michigan Civil Rights Commission, and Department colleagues gave presentations to their peers around the nation at the National Association of Human Rights Workers 52nd Annual Conference. MDCR also held a training this year for the staff of the Washington D.C. Office of Human Rights. Finally, in September Dr. Reynolds traveled to Chicago to participate in a discussion group held by the Inter-agency Task Force, which was established by the White House to prepare the United States' participation in the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in September 2001 in South Africa.

- ◆ MDCR is coordinating a project that would develop a meaningful, non-judgmental, progressive civil rights assessment process for Michigan communities. Subsequently, a partnership between MDCR, Western Michigan University and local communities has evolved to begin developing a measurement instru-

ment so any community can assess its civil rights equity. Specifically, this instrument would allow individual communities, regardless of size, location or demographic composition, to systemically discern the nature and extent of its civil rights related challenges and opportunities. Further, it provides a framework so communities can engage in discussions/evaluations and then move to voluntarily implement change as appropriate. The three communities selected as pilot sites for the initial work are Midland, Muskegon and Pontiac.

- ◆ In July 2000, as part of an effort to more effectively deliver quality services to the people of Michigan, the Department opened a one-person office in the city of Benton Harbor. In a similar response to ex-

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MESSAGE FROM THE CHAIR

This past October, I had the pleasure of attending the 53rd annual training conference of the National Association of Human Rights Workers (NAHRW) held in Florida. I was joined by Commissioner Evelyn L. Crane, Department Director Nanette Lee Reynolds, and several Department colleagues. Once again, the Michigan Department of Civil Rights shared its experience and expertise by conducting several workshops, which were all received extremely well. The topics included "Youth Violence: Sexual Harassment," "Outreach and Education: Partnership Development," and "Immigration."

Although I believe passionately in the cause the Commission works for, it can become disheartening dealing with the many instances and effects of discrimination on a daily basis.

The annual NAHRW conference provides an opportunity to learn, re-energize, boast and commiserate with other civil rights professionals. I appreciate the opportunity to spend time with men and women from across the nation who are also dedicated to ending unlawful discrimination.

A personal highlight of this year's conference occurred for us at the awards luncheon on October 11, when Dr. Reynolds received the organization's *Individual Human Rights Award* "for your contributions to NAHRW, and demonstrated leadership in human rights." It was a very emotional moment for her when she stepped before three hundred human rights advocates from across the country to accept the beautiful award. In the midst of her tears, she told the audience



*Commission Chair
Francisco J. Villarruel, J.D.*

of the quote which guides her work in MDCR: **"When the people lead, the leader will follow."** I was proud of the MDCR colleagues for the wonderful job they did conducting workshops, proud of the Commission and Department for all of the hard work and successes we have shared in the past few years, and proud to be in the company of hundreds of civil rights leaders. I now feel re-energized to continue the struggle against illegal discrimination.

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pressed community needs, a fully-staffed office will replace the one-person office in Saginaw during fiscal year 2001.

- ◆ During fiscal 2000, the Department issued 10 charges of discrimination. The Department issues a formal charge against the respondent and sched-

ules a public hearing when it is determined that unlawful discrimination can be shown by a preponderance of legally admissible evidence. The Department also issued five consent orders resulting from settlements, which totaled \$16,500 in monetary awards. A case is closed by consent order when settlement is

reached after the issuance of a charge, but prior to a final order by the Michigan Civil Rights Commission. Finally, the Michigan Civil Rights Commission issues a final order after reviewing a report of the public hearing. During the 1999 fiscal year, there were four final orders issued by the Commission.



LEGAL UPDATES

October began a new term for the U.S. Supreme Court. Many cases have already been granted certiorari in order to hear oral argument in the next few months. Even though the Court will continue to grant petitions for certiorari, the following is a current list of cases, with a brief summary of the issues pertaining to civil rights.

City of Indianapolis v Edmond, No. 99-1030, on appeal from 183 F3d 659 (CA 7, 1999):

The issue presented in this case is whether law enforcement officials can establish checkpoints in which a person's license and registration are checked while officials search for signs of impairment and illegal substances.

University of Alabama Board of Trustees v Garrett, No. 99-1240, on appeal from 193 F3d 1214 (CA 11, 1999):

Does a state's Eleventh Amendment sovereign immunity preclude suits by citizens in federal court under the ADA? This case is related to the Supreme Court's decision in *Kimel v Florida Board of Regents* decided earlier this year when the same issue was addressed in the context of the ADEA.

Hunt v Cromartie, No. 99-1864; *Smallwood v Cromartie*, No. 99-1865:

This is an issue regarding the establishment of voting districts. Does an irregularly-shaped district, determined by considerations of race in order to intentionally create a

majority-minority district, require strict scrutiny when evaluating the constitutionality of the establishment of the voting district's boundaries?

Alexander v Sandoval, No. 99-1908, on appeal from 197 F3d 484 (CA 11, 1999):

Can a state issue driver's tests in English only without violating Title VI of the Civil Rights Act of 1964?

PGA Tour, Inc. v Martin, No. 00-24, on appeal from 204 F3d 994 (CA 9, 2000):

This case presents the issue of what is considered a reasonable accommodation. Can a professional golfer with a disability use a golf cart under the ADA or does its use alter the golf tournament in a fundamental way?

The Department's Lansing Executive and Lansing Partnership offices are consolidating and moving to a new location in downtown Lansing. Both offices will close their current locations at 5 p.m. on Friday, January 26. On Monday, January 29 the new Executive office will open for regular business hours at the following address:

**Capitol Tower Building, Ste. 800
110 W. Michigan Ave.
Lansing, MI 48913**

**Phone: (517) 335-3165
Fax: (517) 241-0546**

COMMISSION AND DEPARTMENT NEWS

In August, Governor John Engler named MDCR Director Nanette Reynolds to the King Center National Holiday Advisory Committee. The Center in Atlanta, Georgia, oversees federal Martin Luther King, Jr., holiday programs and activities. The federal government remanded those duties to the King Center in 1996, and the King Center National Holiday Advisory Committee is made up of two representatives from each state and U.S. territory. Eleanor Josaitis, executive director of Focus: HOPE, a private civil and human rights organization in Detroit that provides job training and helps distribute resources

to the poor, was also named to the committee.

On September 9, Commission Chair Francisco J. Villarruel and MDCR Director Nanette Reynolds spoke at the State of Civil Rights Breakfast in Warren. The annual breakfast kicked off the 64th Annual Convention of the Michigan State Conference of NAACP.

On September 20, Commission Chair Francisco J.

Villarruel, MDCR Director Nanette Reynolds, Chief Deputy Director Beverly Beasley Knight, Process Manager George Wirth, Legal Services Assistant Director William Mann and Team Coordinator John Golaszewski were presenters at the State Bar of Michigan's Labor and Employment Law Section. The group explained the new developments at MDCR.



Commission Chair Francisco J. Villarruel presents information at the State Bar of Michigan's Labor and Employment Law Section in September.

COMMISSION MEETING DATES

*All meetings begin on Mondays at 10:00 a.m. unless otherwise indicated.

March 26 at the Capitol Tower Building, Commissioners Room, Lansing; April 23 at 6:00 p.m. at the Ferndale City Council Chambers; and April 24 at 8:30 a.m. at the Ferndale City Council Chambers.

*The Commission will meet two months a quarter this year.

For more information, contact 1-800/482-3604.

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URBAN INDIAN AGENDA

In 1999, when the Michigan Indian Affairs Commission (IAC) was abolished by Executive Order, a new position was created in the Department of Civil Rights, entitled the Indian Affairs Specialist. Donna Budnick, the former IAC director, now holds the position. This position was created to allow MDCR to continue services and networking within state government on behalf of American Indians. Dr. Reynolds communicated with the Indian community to assure them that her Department would continue to provide services to them. Off-reservation Indians, referred to as urban Indians, wanted to bring their unique concerns to Dr. Reynolds' attention. American Indians who reside on reservations receive services through either their tribe or the Bureau of Indian Affairs. However, urban Indians, who do not live on reservations, must rely on state and local government for various resources. According to the 1990 Census, Michigan has the tenth largest American Indian population in the United States, with approximately 87 percent of the population living outside of a reservation boundary.

So, a community meeting was held by the Michigan Urban Indian Consortium in November 1999, where it was decided that there was a need for an agenda that listed the concerns of the

urban Indian community. The three areas of concern selected to focus on were health care, education and employment. A "work-group" was chosen to prepare the draft agenda, and included Jerry Church of Michigan

the Indian communities and then forward the agenda to Director Reynolds. The members of this group included Pat Dyer Deckrow of Woodland Indian Center, Jerry Church of Michigan Urban Indian Consortium, Levi



MDCR Director Nanette Lee Reynolds, Indian Affairs Specialist Donna Budnick, former Commission Chair Beverly Clark, MDCR Special Assistant to the Director Cathy Milette, and Michigan Indian Legal Services Director Jim Keedy.

Urban Indian Consortium, Deb DeLeon of Circle of Indigenous Races for Community Leadership and Empowerment (CIRCLE), Levi Rickert of North American Indian Center of Grand Rapids, Arnie Parrish of Michigan State University's Native American Institute and Donna Budnick of MDCR. When the work-group committee completed a final draft of the agenda, it was sent to Indian organizations and tribes with a request for comments.

A "presentation group" was chosen to meet and discuss the comments submitted by

Rickert of North American Indian Center of Grand Rapids, Eva Kennedy of Michigan Urban Indian Consortium and Rick Schott of North American Indian Center of Detroit.

The agenda focuses on service delivery from a cultural perspective in various State departments. Dr. Reynolds has facilitated meetings with Indian representatives, three departments, and one agency. If you are interested in obtaining a copy of the Michigan Indian Off-Reservation Agenda upon its completion, please contact Donna Budnick at 517/241-7748.

Michigan Department of Civil Rights' Customer Service Options

Information

Outreach and Education

- ◆ Training
- ◆ Speakers
- ◆ Intervention

Referral

Complaint Resolution

1-800-482-3604

www.mdcr.state.mi.us

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